

**SUPREME COURT MINUTES
FRIDAY, FEBRUARY 9, 2001
SAN FRANCISCO, CALIFORNIA**

S094763 In re John Montue
 on

Habeas Corpus

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

4th Dist. People, Petitioner
E028767 v.

Div. 2 San Bernardino County Superior Court, Respondent
S094978 Michael W. Dombrowski et al., Real Parties in Interest
 Application for stay and petition for review DENIED.

5th Dist. Juan Villa Ramirez, Petitioner
F037445 v.

S094961 Kern County Superior Court, Respondent
 People, Real Party in Interest
 Application for stay and petition for review DENIED.

2nd Dist. People, Respondent
B137973 v.

Div. 2 Vaughn Linson, Appellant
 The time for granting review on the court's own motion is hereby
 extended to and including March 9, 2001. (Cal. Rules of Court, rule
 28(a)(1).)

4th Dist. People, Respondent
E028343 v.

Div. 2 Norman Morrow, Appellant
 The time for granting review on the court's own motion is hereby
 extended to and including March 17, 2001. (Cal. Rules of Court,
 rule 28(a)(1).)

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

- A083341/S093988 People v. Russell Bernardini – March 14, 2001.
- A086104/S093869 People v. Anthony Tyrone Davis – March 22, 2001.
- A088691/S093954 People v. David A. Perez – March 12, 2001.
- A088858/S093856 Kristy Shubin v. William Lyon Homes Inc. et al. – March 20, 2001.
- A089356/S093766 People v. Rodrick Dewellyn May – March 16, 2001.
- A092367/S093857 Eddy Melaragno and Nina Ringgold v. Alameda County Superior Court; Stephen Lockhart, RPI – March 21, 2001.
- B089804/S078962 Zubair M. Kazi et al. v. State Farm Fire & Casualty Co. et al.; Kerns & Gradillas et al.; Gary S. Smolker – April 20, 2001.
- B127438/S093537 Luis Bernal v. Herrera Marble Design Inc., et al. – March 11, 2001.
- B135365/S093866 People v. Martin Castillo – March 20, 2001.
- B136477/S093535 Wilshire-Doheny Associates Ltd. et al. v. Stanley Shapiro et al. – March 11, 2001.
- B138210/S093887 People v. Christopher Torres – March 15, 2001.
- D034493/S093985 Randy Morris v. Employer Reinsurance Corporation – March 22, 2001.
- E024523/S093892 Teg Diffey v. Riverside County Sheriff's Department et al. – March 22, 2001.
- E024901/S094030 People v. Victor Martel – March 16, 2001.
- E025730/S093805 People, et al. v. Donald W. Calkins, et al. – March 16, 2001.

- E025749/S093715 People v. Antonio Lovell Roberson – March 15, 2001.
- E026063/S093854 People v. Morris William Cox – March 21, 2001.
- E028440/S093984 Jeffrey Raymond Coyle v. Riverside County Superior Court; People, RPI – March 14, 2001.
- G020049/S093608 William Sommerville et al. v. Hochman, Salkin & Deroy et al. – March 12, 2001.
- G023526/S093792 Villa Milano Homeowners Association v. Il Davorge – March 18, 2001.
- G024640/S039690 People v. Ramiro Loreto Lopez – March 9, 2001.
- F028186/S093790 People v. David Lee Joiner et al. – March 15, 2001.
- F031124/S093863 People v. Sonya Lee Grant – March 22, 2001.
- F037064/S093845 In re James Peracchi on Habeas Corpus – March 20, 2001.
- H020362/S093764 People v. Arprubertito Botilao – March 16, 2001.
- H020538/S093846 California Highway Patrol v. Santa Cruz County Superior Court; Luis Luna, RPI – March 21, 2001.
- H022101/S093989 3Com Corporation et al. v. Santa Clara County Superior Court; Norman Hirsch, RPI – March 15, 2001.

S090420 Joseph Naegele, as Co-Trustee, etc. et al., Appellants
v.

R.J. Reynolds Tobacco Co. et al., Respondents

On application of respondents and good cause appearing, it is ordered that the time to serve and file respondents' answer brief on the merits is extended to and including April 15, 2001.

S090886 People, Respondent

v.

Anthony Clifford Sousa, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including March 7, 2001.

S078271 Peter Vu et al., Appellants

v.

Prudential Property & Casualty Insurance, Respondent

The application of the Civil Justice Association of California (CJAC) for permission to file an amicus curiae letter brief is hereby granted.

S092179 People, Respondent

v.

James Bert Wutzke, Appellant

Upon request of appellant for appointment of counsel, Appellate Defenders Inc. is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S092653 People, Respondent

v.

Christine Loyd, Appellant

Upon request of appellant for appointment of counsel, Joanne Keller is hereby appointed to represent appellant on her appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

S094982 Raya et al., Petitioners

v.

Solano County Superior Court, Respondent

Rodolfo Velasquez, Real Party in Interest

The above entitled matter is transferred to the Court of Appeal, First Appellate District.

2nd Dist. In re Ron A., Children and Family Services
B142953 v.
Ron A.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Two.

2nd Dist. In re Robert R., Children and Family Services
B146019 v.
Jessica R.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Three.

4th Dist. Transfer Orders

The following cases, now pending in the Court of Appeal, Fourth Appellate District, Division Three, are transferred to the Court of Appeal, Fourth Appellate District, Division One.

G021187	Arvel Bowyer v. Sentinel Systems, Inc.
G023982	Michael Caffrey v. City of Orange
G022988	Diane Fenn v. County of Orange
G024287	Onzal Boles v. Charles Streit
G024806	Troy Stewart v. State Farm Fire & Casualty
G024418	Albert Barnett v. Fireman's Fund Insurance
G025071	Teresa Villafana v. Union Oil Company
G023421	In re the Marriage of Sharon and James Kelly
G024548	Mark Louvier v. Southern Sun Construction
G026846	The People v. Ray Cervantez Perez
G026461	The People v. Hung Nguyen et al.
G026748	The People v. Armando Garza
G025752	The People v. Jesse Alvarez
G026896	The People v. William Lorange
G026608	The People v. Dale Conner

Bar In the Matter of the Application of the Committee of Bar Examiners
Misc. of the State of California for Admission of Attorneys
4186

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to

the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S093257 In re **Eldon John Cansdale** on Discipline

It is hereby ordered that **Eldon John Cansdale, State Bar No. 159981**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093258 In re **Lingaraj Bahinipaty** on Discipline

It is hereby ordered that **Lingaraj Bahinipaty, State Bar No. 177510**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093259 In re **Shapour S. Khastoo** on Discipline

It is ordered that **Shapour S. Khastoo, State Bar No. 134194**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including nine months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation executed on October 20, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Credit toward the period of actual suspension shall be given for the

period of interim suspension which commenced on June 11, 2000. Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Business & Professions Code section 6086.10)

*See Business and Professions Code section 6126, subdivision (c).

S093316 In re **Grady Martin Davis** on Discipline

It is ordered that **Grady Martin Davis, State Bar No. 96388**, be suspended from the practice of law for two years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed on October 4, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S093318 In re **Ronald U. Carter** on Discipline

It is ordered that **Ronald U. Carter, State Bar No. 122387**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year as recommended by the Hearing Department of the State Bar Court in its decision filed August 21, 2000, as modified by its order filed October 4, 2001; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and

learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is earlier. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093320 In re **Brian M. Keith** on Discipline

It is ordered that **Brian M. Keith, State Bar No. 145934**, be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed October 4, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in equal installments for membership years 2001 and 2002.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093322 In re **Douglas Malcolm Marshall** on Discipline

It is ordered that **Douglas Malcolm Marshall, State Bar No. 55880**, be suspended from the practice of law for three months, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days and until he makes restitution to Donald Rozas (or the Client Security Fund, if appropriate) in the amount of \$2850 plus

10% interest per annum from November 11, 1997, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed October 3, 2000, as modified by its order filed November 17, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent remains actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093336 In re **James Richard Boyd** on Discipline

It is ordered that **James Richard Boyd, State Bar No. 175597**, be suspended from the practice of law for three months, that execution of the suspension be stayed, and that he be placed on probation for 18 months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed on October 27, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S093348 In re **Peter Kenneth Owens** on Discipline

It is ordered that **Peter Kenneth Owens, State Bar No. 112215**, be suspended from the practice of law for three years and until he provides the showing required pursuant to standard 1.4(c)(ii); and until he makes restitution and furnishes satisfactory proof thereof as set forth below; and until he complies with certain other conditions as specified below, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; and until he makes restitution to Jana Beman (or the Client Security Fund, if appropriate) in the amount of \$6,000.00 plus 10% interest per annum from February 2, 1995; and until he complies with certain other conditions regarding the payment of arbitration awards and compliance with the bankruptcy court disgorgement order as set forth in the Stipulation Re Facts, Conclusions of Law and Disposition filed August 25, 2000. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 25, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Peter Kenneth Owens** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S094059 In re **Lingaraj Bahinipaty** on Discipline

An order for disbarment having been filed in S093258 (State Bar Court Case No. 97-O-11461), the above-entitled matter is hereby dismissed.

- S094860 In the Matter of the Resignation of **Ronald E. Lais**
A Member of the State Bar of California
The voluntary resignation of **Ronald E. Lais, State Bar No. 66511**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)
- S094947 In the Matter of the Resignation of **Tracy Darlene Beall**
A Member of the State Bar of California
The voluntary resignation of **Tracy Darlene Beall, State Bar No. 161168**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)